EXHIBIT "B"

Dockets.Justia.com

IN THE CIRCUIT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

FILED 06 JAN 12 PM 1:50 CLERK OF CIRCUIT COURT CHANCERY DIV.

PILAR MORE,

Plaintiff,

vs.

JAMES FREY, DOUBLEDAY & COMPANY, INC., RANDOM HOUSE, INC., KNOPF PUBLISHING GROUP, INC., and VINTAGE ANCHOR PUBLISHING, INC.,

Defendants.

No.: 06CH00772

COMPLAINT- CLASS ACTION

MATTERS COMMON TO MULTIPLE COUNTS

INTRODUCTION

1. This action is brought by PILAR MORE to secure redress against JAMES FREY, DOUBLEDAY & COMPANY, INC., RANDOM HOUSE, INC., KNOPF PUBLISHING GROUP, INC., and VINTAGE ANCHOR PUBLISHING, INC., and each of them, for unfair and deceptive practices perpetrated on millions of persons who purchased the book "A MILLION LITTLE PIECES" written by Defendant James Frey and published by Defendants DOUBLEDAY & COMPANY, INC., RANDOM HOUSE, INC., KNOPF PUBLISHING GROUP, and VINTAGE ANCHOR PUBLISHING, PILAR MORE is one of the purchasers of Defendant James Frey's book "A Million Little Pieces". PILAR MORE brings this class action on behalf of all persons who purchased the subject book based upon reliance on assertions of its truthful, honest, and non-fiction character.

PARTIES

2. Plaintiff is a woman who purchased Defendants' book "A Million Little Pieces" sometime after October 26, 2005.

3. Defendant, James Frey wrote the book "A Million Little Pieces" which was represented to be a work of non-fiction.

4. Defendants, Doubleday & Company, Inc., Random House, Inc., Knopf Publishing Group, Inc., and Vintage Anchor Publishing, Inc., are public corporations, doing business in Illinois, who published, promoted, and represented the book "A Million Little Pieces" as a work of non-fiction.

5. On information and belief, Defendants James Frey, Doubleday & Company, Inc., Random House, Inc., Knopf Publishing Group, Inc., and Vintage Anchor Publishing, Inc., sold millions of copies of the book "A Million Little Pieces" to consumers.

FRAUDULENT POLICIES AND PRACTICES

6. Defendant, JAMES FREY gave multiple interviews in print and on television, including but not limited to "The Oprah Winfrey Show" of October 26, 2005, representing his book "A Million Little Pieces" as a true and honest work of non-fiction.

7. Defendants, DOUBLEDAY & COMPANY, INC., RANDOM HOUSE, INC., KNOPF PUBLISHING GROUP, INC., and VINTAGE ANCHOR PUBLISHING, INC., promoted and represented the book "A Million Little Pieces" as a work of non-fiction including but not limited to listing said book on the New York Times Non-fiction best seller list.

CLASS ALLEGATIONS

8. PILAR MORE brings this claim on behalf of a class. The class includes all persons who

purchased the book "A Million Little Pieces" written by Defendant James Frey and published by Defendant Doubleday & Company, Inc.

9. On information and belief, the class is so numerous that joinder of all members is impractical.

10. There are questions of law and fact common to the class members, which questions predominate over any questions affecting only individual class members. These questions include:

1. Whether each defendant engaged in the practices complained of.
2. Whether the practices complained of are a perpetration of fraud.
3. The appropriate remedy.

11. Plaintiff will fairly and adequately protect the interests of the class members. She is committed to vigorously litigating this matter. She has retained counsel experienced in handling all types of tortuous conduct claims. Neither plaintiff nor her counsel have any interests which might cause them not to vigorously pursue this claim.

12. A class action is an appropriate method for the fair and efficient adjudication of this controversy. Most class members will not even realize that they have been the victim of fraud. A class action is essential to prevent a failure of justice.

WHEREFORE, Plaintiff requests that the Court grant the following relief to herself and the class members:

a. An order requiring a complete accounting of all sales of the book "A Million Little Pieces".

b. Appropriate damages.

purchased the book "A Million Little Pieces" written by Defendant James Frey and published by Defendant Doubleday & Company, Inc.

9. On information and belief, the class is so numerous that joinder of all members is impractical.

10. There are questions of law and fact common to the class members, which questions predominate over any questions affecting only individual class members. These questions include:

1. Whether each defendant engaged in the practices complained of.
2. Whether the practices complained of are a perpetration of fraud.
3. The appropriate remedy.

11. Plaintiff will fairly and adequately protect the interests of the class members. She is committed to vigorously litigating this matter. She has retained counsel experienced in handling all types of tortuous conduct claims. Neither plaintiff nor her counsel have any interests which might cause them not to vigorously pursue this claim.

12. A class action is an appropriate method for the fair and efficient adjudication of this controversy. Most class members will not even realize that they have been the victim of fraud. A class action is essential to prevent a failure of justice.

WHEREFORE, Plaintiff requests that the Court grant the following relief to herself and the class members:

a. An order requiring a complete accounting of all sales of the book "A Million Little Pieces".

b. Appropriate damages.

c. An injunction against further representation and advertisements of the book "A Million Little Pieces" as non-fiction.

d. Costs.

e. Such other or further relief as the Court deems appropriate.

CONSUMER FRAUD VIOLATION BASED ON ILLINOIS CONSUMER FRAUD ACT

Section 2 of the Illinois Consumer Fraud Act, 815 ILCS 505/2, provides:

> **Unfair methods of competition and unfair or deceptive acts or practices, including but not limited to the use or employment of any deception, fraud, false pretense, false promise, misrepresentations or the concealment, suppression or omission of any material fact, with intent that others rely upon the concealment, suppression or omissions of such materials fact, ... are hereby declared unlawful whether any person has in fact been misled, deceived or damaged thereby. In construing this section consideration shall be given to the interpretations of the Federal Trade Commission and the federal courts relating to Section 5(a) of the Federal Trade Commission Act.**

13. Defendants JAMES FREY, DOUBLEDAY & COMPANY, INC., RANDOM HOUSE, INC., KNOPF PUBLISHING GROUP, INC., and VINTAGE ANCHOR PUBLISHING, INC., engaged in unfair and deceptive practices by promoting, advertising, asserting, and endorsing the book "A Million Little Pieces" as a true and honest work of non-fiction. The practice is unfair and deceptive because (a) consumers relied on these untrue assertions to motivate the purchase of the subject book and (b) consumers relied upon these untrue assertions as basis for an emotional investment, interest, and empathy for the central character.

14. Defendants engaged in such practices in the conduct of trade and commerce.

15. Defendant engaged in such practices with the intent of motivating consumers to purchase the book "A Million Little Pieces".

16. Plaintiff, PILAR MORE and the members of the class described below relied upon

Defendant's unfair and deceptive acts.

17. Plaintiff, PILAR MORE and the members of the class described below were harmed by defendant's practices, in that they expended money for the purchase of the book "A Million Little Pieces" and expended valuable amounts of time in the reading of said book.

CLASS ALLEGATIONS

18. PILAR MORE, brings this claim on behalf of a class. The class includes all persons who purchased the book "A Million Little Pieces" written by Defendant James Frey and published by Defendant Doubleday & Company, Inc.

19. On information and belief, the class is so numerous that joinder of all members is impractical.

20. There are questions of law and fact common to the class members, which questions predominate over any questions affecting only individual class members. These questions include:

1. Whether each defendant engaged in the practices complained of.
2. Whether the practice complained of is consumer fraud.
3. The appropriate remedy.

21. Plaintiff will fairly and adequately protect the interests of the class members. She is committed to vigorously litigating this matter. She has retained counsel experienced in handling all types of tortuous conduct claims. Neither plaintiff nor her counsel have any interests which might cause them not to vigorously pursue this claim.

22. A class action is an appropriate method for the fair and efficient adjudication of this controversy. Most class members will not even realize that they have been a victim of fraudulent

conduct. A class action is essential to prevent a failure of justice.

WHEREFORE, plaintiff requests that the Court grant the following relief to herself and the class members:

a. An order requiring a complete accounting of sales of the book "A Million Little Pieces".

b. Appropriate compensatory and punitive damages.

c. An injunction against further representation and advertising of the book "A Million Little Pieces" as non-fiction.

d. Attorney's fees, litigation expenses, and costs.

e. Such other or further relief as the Court deems appropriate.

Respectfully submitted,

By: ______________________

Thomas E. Pakenas

Dale and Pakenas
641 W. Lake Street, Suite 400
Chicago, IL 60661
(312) 258-1800
Attorney Code: 31846